

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-157-RJC**

<b>PHILLIP G. MORRIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>CAROLYN W. COLVIN,</b>	)	
<b>Acting Commissioner of</b>	)	
<b>Social Security Administration,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**ORDER**

**THIS MATTER** comes before the Court on Defendant's Consent Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. No. 10). Under sentence four of 42 U.S.C. § 405(g), “[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of Defendant's request to remand this action for further administrative proceedings and development, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further administrative proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge shall hold a supplemental hearing; reevaluate the opinion of Plaintiff's treating neurologist, Dr. Krysten Shepherd; reevaluate

Plaintiff's subjective complaints; further evaluate Plaintiff's residual functional capacity in light of each of Plaintiff's determined severe impairments; and issue a new decision.

Because this matter is hereby remanded to the Commissioner, Plaintiff's Motion for Summary Judgment, (Doc. No. 8), is moot and shall be dismissed.

**IT IS, THEREFORE, ORDERED** that, for good cause shown:

1. Defendant's Consent Motion for Remand, (Doc. No. 10), is **GRANTED**. The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings.
2. Plaintiff's Motion for Summary Judgment, (Doc. No. 8), is **DISMISSED as moot**.
3. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: February 5, 2016

  
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Robert J. Conrad, Jr.  
United States District Judge  
